

Message Text

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ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 CIAE-00 PM-07 INR-11 L-03 ACDA-19

NSAE-00 PA-04 RSC-01 PRS-01 SP-03 USIA-15 TRSE-00

SAJ-01 OIC-04 SAM-01 CU-05 DODE-00 H-03 NSC-07 SS-20

DRC-01 OMB-01 /147 W

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R 291002Z JUL 74

FM USMISSION GENEVA

TO SECSTATE WASHDC 7452

INFO AMEMBASSY BONN

AMEMBASSY BELGRADE

AMEMBASSY BUCHAREST

AMEMBASSY MOSCOW

AMEMBASSY PARIS

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C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 4871

E.O. 11652: GDS

TAGS: PFOR

SUBJECT: CSCE DECLARATION OF PRINCIPLES -- NON-INTERVENTION IN
INTERNAL AFFAIRS

REFS: (A) GENEVA 4820 NOTAL

(B) GENEVA A-55

1. SUMMARY. TEXT OF PRINCIPLE OF NON-INTERVENTION IN
INTERNAL AFFAIRS WAS REGISTERED JULY 26 AFTER CONCLUSION OF
NEUTRAL PACKAGE DEAL FOR BASKET III PREAMBLE. TEXT IS
HEAVILY BRACKETED AND LEAVES A NUMBER OF CONTENTIOUS ISSUES
UNRESOLVED. WE TRANSMIT BELOW THE TEXT OF THIS PRINCIPLE
AS IT NOW STANDS, TOGETHER WITH OUR ANALYSIS OF IT. END
SUMMARY.

2. TEXT -- THE TEXT APPEARS BELOW WITH PARENTHESES REPRESENT-
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ING BRACKETS AROUND ELEMENTS NOT FULLY AGREED. BEGIN TEXT.

THE PARTICIPATING STATES WILL REFRAIN FROM ANY INTERVENTION (OR THREAT OF INTERVENTION), DIRECT OR INDIRECT, INDIVIDUAL OR COLLECTIVE, (BY ANY MEANS OR UNDER ANY PRETEXT), IN THE INTERNAL OR EXTERNAL AFFAIRS FALLING WITHIN THE DOMESTIC JURISDICTION OF ANY (PARTICIPATING) STATE, (REGARDLESS OF THEIR MUTUAL RELATIONS). THEY WILL ACCORDINGLY REFRAIN FROM ANY FORM OF ARMED INTERVENTION OR THREAT OF SUCH INTERVENTION AGAINST ANY (PARTICIPATING) STATE. THEY WILL LIKEWISE REFRAIN FROM ANY OTHER (KIND/ACT) OF MILITARY, OR OF POLITICAL, ECONOMIC OR OTHER COERCIAON (OR PRESSURE) DESIGNED TO SUBORDINATE TO THEIR OWN (INTEREST/WILL) THE EXERCISE BY ANOTHER (PARTICIPATING) STATE OF THE RIGHTS INHERENT IN ITS SOVEREIGNTY (REFERRED TO ABOVE) AND THUS TO SECURE ADVANTAGES OF ANY KIND.

ACCORDINGLY THEY WILL INTER ALIA REFRAIN FROM DIRECT OR INDIRECT ASSISTANCE TO TERRORIST ACTIVITIES, OR TO (SUBVERSIVE OR OTHER) ACTIVITIES DIRECTED TOWARDS THE VIOLENT OVERTHROW OF THE REGIME OF ANOTHER (PARTICIPATING) STATE (AS WELL AS FROM INTERVENTION IN CIVIL STRIFE). END TEXT.

3. WESERN DRAFTING APPROACH -- THE TEXT WAS INFLUENCED BY A WESTERN DRAFTING APPROACH WHICH SOUGHT TO RECONCILE TWO CONFLICTING OBJECTIVES: UNDERMINING THE BREZHNEV DOCTRINE, WHICH REQUIRED A STRONG AND DETAILED PRINCIPLE, AND PROTECTING GAINS ANTICIPATED IN BASKET III FROM CHARGES THAT THEY REPRESENT INTERVENTION, WHICH REQUIRED A SOMEWHAT WEAKER AND MORE GENERAL PRINCIPLE. THE FRENCH AND DUTCH WERE PARTICULARLY EAGER TO EMPHASIZE THE FIRST OBJECTIVE, WHEREAS CANADA AND ITALY WERE MORE CONCERNED ABOUT THE SECOND.

4. TAKING AIM AT THE BREZHNEV DOCTRINE -- THE FIRST SENTENCE, WHICH INCORPORATES NUMEROUS PHRASES FROM THE FRENCH AND YUGOSLAV PROPOSALS, WAS SEEN BY MOST WESTERN DELEGATIONS AS A MEANS OF RULING OUT ALL VARIETIES OF AND EXCUSES FOR INTERVENTION, SO AS TO UNDERMINE THE BREZHNEV DOCTRINE. THE SOVIETS INITIALLY BRACKETED "INDIVIDUAL OR COLLECTIVE", "BY ANY MEANS OR UNDER ANY PRETEXT", AND CONFIDENTIAL

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"INTERNAL OR EXTERNAL". HOWEVER, IN EXCHANGE FOR THE ACCEPTANCE OF THE NEUTRAL PACKAGE DEAL (SEE REF A.), THE SOVIETS CARRIED OUT THEIR PROMISE TO DROP THE BRACKETS AROUND THE ABOVE PHRASES. THE SOVIETS WERE ALSO WILLING TO DROP THE WORD "ESSENTIALLY" BEFORE THE WORD "WITHIN". THIS WAS A CLEAR CONCESSION AS MOST DELEGATIONS FELT THAT THE WORD MIGHT RULE OUT INTERNATIONAL PRESSURE ON THE EASTERN BLOCK CONCERNING HUMAN RIGHTS ISSUES, WHICH COULD BE VIEWED AS

"ESSENTIALLY", BUT NOT EXCLUSIVELY, UNDER DOMESTIC JURISDICTION. THE WORD PLACED THE WEST IN AN AWKWARD POSITION BECAUSE THE UK HAD PROPOSED IT, NOT HAVING FULLY CONSIDERED THE IMPLICATIONS. HOWEVER, THE SOVIETS WERE UNWILLING TO REMOVE BRACKETS AROUND TWO PHRASES IN THE FIRST SENTENCE: "REGARDLESS OF THEIR MUTUAL RELATIONS" AND "OR THREAT OF INTERVENTION". AS LONG AS "REGARDLESS OF THEIR MUTUAL RELATIONS" REMAINED IN BRACKETS, THE FRENCH WERE UNWILLING TO GO ALONG WITH A GENERALLY ACCEPTABLE DEAL WHICH WOULD ALLOW THE DELETION OF "OR THREAT OF INTERVENTION" IN EXCHANGE FOR THE REFERENCE TO "THREAT" WHICH APPEARS IN THE SECOND SENTENCE. HOWEVER, IF AND WHEN THE SOVIETS RECEIVE INSTRUCTIONS ALLOWING THEM TO REMOVE BRACKETS FROM "REGARDLESS OF THEIR MUTUAL RELATIONS", THE FRENCH WILL AGREE THAT THE REFERENCE TO "THREAT" IN THE SECOND SENTENCE IS SUFFICIENT. THE SOVIET DIFFICULTY, SHARED PRIVATELY BY US, WITH THE REFERENCE TO "THREAT" IN THE FIRST SENTENCE WAS THAT IT WAS NOT CLEARLY TIED TO THE USE OF FORCE AND WAS THEREFORE TOO VAGUE. SOVIET FLEXIBILITY IN REMOVING BRACKETS FROM THE FIRST SENTENCE REVEALED AN FRG DIFFICULTY WITH THE PHRASE "BY ANY MEANS OR UNDER ANY PRETEXT". FOR REASONS RELATED TO INNER-GERMAN PROBLEMS, WHICH THE FRG REPRESENTATIVE HAS NOT BEEN ABLE TO SPELL OUT CLEARLY, FRG INSISTED ON RETAINING THE BRACKETS AROUND THIS PHRASE. ABRAMS

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5. THE THIRD SENTENCE: A BALANCING ELEMENT -- THE WEST SAW THE THIRD SENTENCE AS A MEANS OF BALANCING THE FIRST SENTENCE BY RESTRICTING THE SCOPE OF INTERVENTION TO ACTS OF COERCION. THE IDEA OF DEFINING INTERVENTION AT LEAST PARTLY IN TERMS OF COERCION APPEARS IN BOTH THE FRENCH AND YUGOSLAV PROPOSALS. THE US AND CANADA WERE INTERESTED IN USING THIS SENTENCE AS A MEANS OF NARROWING THE SCOPE OF INTERVENTION SO AS TO PROTECT INTER ALIA WESTERN HUMANITARIAN INTERESTS SUCH AS BASKET III PROPOSALS. THE SOVIETS AND YUGOSLAVS ALSO SHOWED INTEREST IN USING THE THIRD SENTENCE TO BALANCE THE FIRST SENTENCE.

THE THIRD SENTENCE ARGUABLE TIES INTERVENTION TO ACTS OF COERCION WHICH MUST FURTHERMORE MEET TWO CONDITIONS TO CONSTITUTE INTERVENTION: FIRST, THAT THE ACTS OF COERCION MUST BE DESIGNED TO SUBORDINATE THE SOVEREIGN RIGHTS OF THE STATE COERCED TO THE INTERESTS OF THE STATE EXERCISING
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COERCION AND, SECOND, THAT THE COERCION MUST BE DESIGNED TO SECURE ADVANTAGES. THE US, FOLLOWING THE APPROACH IN THE FRIENDLY RELATIONS DECLARATION, SOUGHT TO LINK THESE TWO CONDITIONS ONLY BY "AND", IN ORDER TO MAKE IT CLEAR THAT BOTH CONDITIONS MUST BE PRESENT BEFORE COERCION CONSTITUTED INTERVENTION. THE WORD "THUS" COULD, HOWEVER, BE READ TO SUGGEST THAT THE SECOND ELEMENT OF INTENT IS NOT A SEPARATE CONDITION AND MERELY DESCRIBES WHAT HAPPENS WHEN COERCION TAKES PLACE AND WAS ADDED BY FRENCH AND DUTCH FOR PRECISELY THIS PURPOSE. THE EFFECT OF THIS AMBIGUOUS WORD WAS POSSIBLY TO WEAKEN THE ELABORATE QUALIFICATIONS IN SENTENCE THREE WHICH NARROW THE SCOPE OF THE PRINCIPLE. THE US RESERVED ITS POSITION ON "THUS" BUT DID NOT USE BRACKETS. THE FRENCH AND DUTCH SOUGHT A STRONGER, LESS QUALIFIED PRINCIPLE WHICH WOULD HAVE MAXIMUM EFFECT ON THE BREZHNEV DOCTRINE. THE FRENCH ALSO BELIEVED THAT "THUS" GAVE GREATER IMPORTANCE TO THE NOTION OF SUBORDINATING SOVEREIGN RIGHTS, AND ELEMENT THEY WISHED TO EMPHASIZE.

6. BRACKETS IN THE THIRD SENTENCE -- IN THE LAST DRAFTING SESSION THE FRENCH DELEGATE INTRODUCED A FURTHER ELEMENT THAT, IF ADOPTED, COULD DIMINISH THE EFFECTIVENESS OF THE THIRD SENTENCE AS A BALANCING ELEMENT NARROW-

ING THE SCOPE OF THE PRINCIPLE. THE FRENCH, WITH STRONG SUPPORT FROM ROMANIA, ADDED THE WORDS "OR PRESSURE" IN BRACKETS AFTER THE WORD "COERCIAO." "PRESSURE" IS CLEARLY A VAGUE ENOUGH CONCEPT TO UNDERMINE THE QUALIFYING EFFECT OF THE WHOLE SENTENCE. IN A PRELIMINARY EXPRESSION OF VIEWS THE US AND SOVIET UNION BOTH EXPRESSED MISGIVINGS. OTHER LAST MINUTE ADDITIONS TO THE THIRD SENTENCE WERE LESS DAMAGING. THE ROMANIANS WERE NOT SATISFIED THAT THE MENTION OF "THREAT" IN SENTENCE TWO WAS ADEQUATE COMPENSATION FOR ITS LOSS IN SENTENCE ONE. WITH SUPPORT FROM THE UK THEY SOUGHT TO INTRODUCE THIS CONCEPT INTO SENTENCE THREE. THE SOVIETS DID NOT FAVOR THIS IDEA BUT HAD SUGGESTED THAT THE WORD "KIND" COULD BE SUBSTITUTED FOR "ACT" AND WAS BROAD ENOUGH TO IMPLY THE NOTION OF THREAT. THE ROMANIANS PROPOSED THIS SUBSTITUTION IN THE LAST SESSION, BUT THE YUGOSLAVS INSISTED ON RETAINING THE TWO WORDS AS ALTERNATIVES IN BRACKETS. THE ITALIANS WERE APPREHENSIVE ABOUT THE REFERENCE IN THE THIRD SENTENCE TO THE RIGHTS

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DEFINED IN THE SOVEREIGN EQUALITY PRINCIPLE, SINCE UNDER THE TERMS OF THE NEUTRAL PACKAGE DEAL THE FINNISH SENTENCE ON "LAWS AND REGULATIONS" WAS TO BE INCORPORATED INTO SOVEREIGN EQUALITY. THE ITALIANS, ACCORDINGLY, BRACKETED THE WORDS, "REFERRED TO ABOVE". THE FRG THOUGHT THE WORD "WILL" COULD BE SUBSTITUTED FOR "INTEREST," BUT THE FRG DELEGATE DID NOT INSIST AND INSTEAD RESERVED HIS POSITION ON THE GERMAN TRANSLATION. TURKEY, HOWEVER, INSISTED THAT "WILL" BE RETAINED IN BRACKETS.

7. LINKAGE OF THE FIRST AND THIRD SENTENCES -- THE BALANCING ROLE OF THE THIRD SENTENCE DEPENDS ON ITS CLEAR LINKAGE TO THE FIRST SENTENCE. THE THIRD SENTENCE WAS ORIGINALLY CONCEIVED AS SENTENCE TWO AND WAS TO HAVE BEGUN "THEY WILL ACCORDINGLY REFRAIN", SO THAT THE LINKAGE TO SENTENCE ONE WOULD HAVE BEEN RELATIVELY CLEAR. THE LINKAGE HAS SINCE BEEN SOMEWHAT WEAKENED BY THE INSERTION OF A ROMANIAN IDEA WHICH NOW APPEARS AS THE SECOND SENTENCE. THE SOVIETS REFUSED TO INCLUDE THE ROMANIAN IDEA IN WHAT ARE NOW SENTENCES THREE AND FOUR, AND WHEN ROMANIA THEN OPTED FOR A SEPARATE SENTENCE, THE SOVIETS PUSHED FOR ITS PRESENT PLACEMENT WITH LITTLE OPPOSITION. FRANCE AND THE USSR HAVE ARGUED THAT THE WORDS "ACCORDINGLY/ AND "LIKEWISE" IN THE FIRST PARTS OF THE PRESENT SENTENCES TWO AND THREE PRESERVE THE LINKAGE.

8. FOURTH SENTENCE: YUGOSLAV EXPANSION -- THE SOVIETS BACKED YUGOSLAV EFFORTS TO WIDEN THE SCOPE OF THE PRINCIPLE BY SUPPORTING A LISTING OF EXAMPLES OF INTERVENTION ALONG THE LINES OF THE ORIGINAL YUGOSLAV PROPOSAL. "ASSISTING,

INITIATING OR TOLERATING SUBVERSIVE OR TERRORIST ACTIVITIES, INTERFERRING IN INTERNAL STRIFE OR CONDUCTING HOSTILE PROPAGANDA." IN THE FINAL VERSION OF THE SENTENCE, THE ACTIVITIES LISTED ARE QUALIFIED BY THE PHRASE "DIRECTED TOWARD THE VIOLENT OVERTHROW OF THE REGIME" THE EXCEPTION IS "TERRORIST ACTIVITIES" WHICH, THE US SUCCESSFULLY ARGUED, COULD BE LISTED WITHOUT QUALIFICATION. THE SPANISH AND MALTESE ENTERED STRONG RESERVATIONS ABOUT THE ACCEPTABILITY OF THE PRINCIPLE WITH THE WORDS "VIOLENT OVERTHROW" RETAINED.

NEITHER DELEGATION INSISTED ON BRACKETS. "HOSTILE PROPAGANDA" CONFIDENTIAL

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WAS DROPPED, DUE TO WIDESPREAD WESTERN OPPOSITION, AND THE REFERENCE TO "CIVIL STRIFE" WAS BRACKETED FOR THE SAME REASON. THE FRG BRACKETED "SUBVERSIVE OR OTHER" WHICH, AS QUALIFIED, WAS ACCEPTABLE TO MOST OTHER WESTERN COUNTRIES.

9. THE BRACKETING OF FOUR REFERENCES TO "PARTICIPATING" RESULTS FROM THE STILL UNRESOLVED QUESTION AS TO WHETHER THE PRINCIPLES SHOULD APPLY "GLOBALLY," OR ONLY TO PARTICIPANTS. ABRAMS

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Message Attributes

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